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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,392	06/19/2006	Gary Wingett	042933/311926	8170
826	7590	07/03/2007	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			FISHMAN, MARINA	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,392	Applicant(s) WINGETT, GARY	
	Examiner Marina Fishman	Art Unit 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>06/19/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

General status

1. This is a First Action on the Merits. Claims 1 - 18 are pending in the case and are being examined.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

3. Claims 1 – 18 are objected to because of the following informalities: in Claims 2 – 12, line 1 “A dome switch should be corrected as –The dome switch--; in Claims 14 – 18, line 1 “An input apparatus” should be corrected as –The input apparatus--. Appropriate correction is required.

Drawings

4. Figure 1, 2A, 2B, 3A and 3B should be designated by a legend such as -- Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "dome" must be shown or the feature(s) canceled from the claim(s). (It is noted that there is no cross section of the switch showing the "dome"). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 - 18 are rejected under 35 U.S.C. 102(a, e) as being anticipated by Inoue et al. [US 6,750,408].

Regarding Claims 1 and 2, by Inoue et al. disclose a dome [22A, 22B] switch having a shape extending at least substantially along a length of an annular shaped path, wherein the path is circular in shape [Figures 2, 3], the switch surrounds at least one other dome switch [44A, Figure 13B]. Regarding Claims 3 and 4, Inoue et al. disclose a dome switch, which comprises a partial annulus [22B] and a complete annulus [22A]. Regarding Claims 5 - 7, Inoue et al. disclose the dome switch, wherein the shape of the dome switch is defined by the shape of the dome sheet [25] and a select means [direction-column 1, lines 7 - 9] is activated upon actuation of the dome switch. Regarding Claim 7, Inoue et al. disclose a rotator wheel [33] mounted on the dome switch. Regarding Claim 8, Inoue et al. disclose the dome switch, which is actuated when a pressure is applied to an upper surface of the rotator wheel [Figure 5] in a

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direction substantially parallel to an axis perpendicular to the upper planar surface of the rotator wheel. Regarding Claim 9, Inoue et al. discloses a dome switch wherein an upper planar surface of the rotator wheel is substantially annular in shape. Regarding Claim 10, Inoue et al. disclose the dome switch wherein an upper planar surface of the rotator wheel is exposed such that the upper planar surface may be accessed by a user. Regarding Claim 11, Inoue et al. discloses the dome switch, wherein the rotator wheel is connected to monitoring means [30, Figure 3] for detecting rotational movement of the rotator wheel about an axis perpendicular to an upper planar surface of the rotator wheel. Regarding Claim 12, Inoue et al. discloses an input apparatus [telephone, Column 1, line 8-11].

Regarding Claims 13 and 14, Inoue et al. disclose an input apparatus [telephone, Column 1, line 8-11] for a multimedia device, the input apparatus comprising:

- a rotator wheel [33] having an upper planar surface that is substantially annular in shape and exposed in order that the upper planar surface may be accessed by a user of the multimedia device;
- means [30] for detecting rotational movement of the rotator wheel about an axis perpendicular to the upper planar surface of the rotator wheel; and
- select means [22A, 22B] activated when a pressure is applied to the upper surface of the rotator wheel in a

direction substantially parallel to an axis perpendicular to the upper planar surface of the rotator wheel.

Regarding Claim 15, Inoue et al. disclose means to detect rotational movement comprises conductive tracks [22A, 22B, 30]. Regarding Claim 16, Inoue et al. disclose a bridge contact [26] is arranged to rotate in conjunction with the wheel. Regarding Claim 17, Inoue et al discloses an input apparatus wherein a tactile response of the select means is substantially the same over all of the rotator wheel. Regarding Claim 18, Inoue et al discloses an input apparatus, wherein activation of the dome switch comprises temporarily modifying properties of an electronic element (the contacts are shorted, which modifies the electrical property of the electronic element).

8. Claims 1 - 10 and 12 -18 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuriyama [US 6,586,689].

Regarding Claims 1 and 2, Kuriyama disclose a dome [32, 33] switch having a shape extending at least substantially along a length of an annular shaped path, wherein the path is circular in shape [Figure 3], said the switch surrounds at least one other dome switch [32]. Regarding Claims 3 and 4, Kuriyama disclose a dome switch, which comprises a partial annulus [32a] and a complete annulus [32b]. Regarding Claims 5 - 7, Kuriyama discloses the dome switch, wherein the shape of the dome switch is defined by the shape of the dome sheet [37] and a select means [direction-column 1, lines 7-9] is activated upon actuation of the dome switch. Regarding Claim 7, Kuriyama discloses a rotator wheel [40] mounted on the dome switch. Regarding Claim 8, Kuriyama

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discloses the dome switch, which is actuated when a pressure is applied to an upper surface of the rotator wheel [Figures 5A, 5bB, 5C] in a direction substantially parallel to an axis perpendicular to the upper planar surface of the rotator wheel. Regarding Claim 9, Kuriyama discloses a dome switch wherein an upper planar surface of the rotator wheel is substantially annular in shape. Regarding Claim 10, Kuriyama discloses the dome switch wherein an upper planar surface of the rotator wheel is exposed such that the upper planar surface may be accessed by a user. Regarding Claim 12, Kuriyama discloses an input apparatus [telephone, Column 1, line 5 - 7].

Regarding Claim 13, Kuriyama discloses an input apparatus [telephone, Column 1, line 5 - 7] for a multimedia device, the input apparatus comprising:

- a rotator wheel [40] having an upper planar surface that is substantially annular in shape and exposed in order that the upper planar surface may be accessed by a user of the multimedia device;
- means [34] for detecting rotational movement of the rotator wheel about an axis perpendicular to the upper planar surface of the rotator wheel; and
- select means [32, 33] activated when a pressure is applied to the upper surface of the rotator wheel in a direction substantially parallel to an axis perpendicular to the upper planar surface of the rotator wheel.

Regarding Claim 16, Kuriyama discloses a bridge contact [35, 36] is

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arranged to rotate in conjunction with the wheel. Regarding Claim 17, the device of Kuriyama will have a tactile response of the select means is substantially the same over all of the rotator wheel. Regarding Claim 18, Kuriyama discloses an input apparatus, wherein activation of the dome switch comprises temporarily modifying the electrically conductive properties of an electronic element (the contacts are shorted, which modifies the electrical property of the electronic element).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kaneko [6,670,562], Yamasaki [US 6,979,785], Nakamura et al. [US 6,246,019], Yamasaki [US 6,713,692], Vance [US 6,313,731], Yamamoto [US 5,744,765], and Anguilar et al. [US 6,628,266], the Applicant also should consider these references in response to this office action. Should issue arise concerning the rejection presented above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marina Fishman
June 26, 2007


ELVIN ENAD
SUPERVISORY PATENT EXAMINER
27 JUNE 07